Appl. No. 09/998,513
Amdt. dated July 26, 2004
Reply to Office action of May 7, 2004

REMARKS/ARGUMENTS

Claims 1-3 were rejected under 35 U.S.C. 102(e) as being anticipated by Peng (Pub. No.: US 2002/0156863 A1). Claims 4-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peng.

The cited Peng reference teaches an apparatus and methods for managing caches on a gateway (108A, 108B). As mentioned in Peng, "the gateways have limited memory space and cannot cache all available applications and data" (Peng page 1, [0003]), so the Peng reference is concerned with an efficient way to cache data on the gateways that is being sent from the servers (102-106). The difference files as mentioned by Peng that are generated by the difference calculator (item 232 in FIG. 2) are simply used to update files that are out of date in the gateways, see in page 1, [0007] and [0008] where Peng states "the set of files is updated by applying the at least one difference file to the set of files... ." There is no mention in Peng of using the difference file to recover a file as is now claimed in claims 1-9.

Independent claim 1 has been amended to recite that the transformation operator is used to recover the original version of a file that had been deleted. Peng makes no mention or suggestion of using its difference files to recover deleted files by using the transformation operator in conjunction with the updated or new version of the file to recreate the original file. As such, claims 1-9 are believed to be in condition of allowance over the cited Peng reference.

Claims 10-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Harder (Microsoft article entitled "Microsoft Windows XP System Restore," April 2001).

With regard to claims 10-16, Applicant amended independent claim 10 in order to clarify the claim language. As amended, independent claim 10 is believed to be allowable over the cited Microsoft article (Harder reference). The cited article fails to teach or suggest that the System Restore feature mentioned in the article uses a transformation operator which is indicative of differences between an original file version that for example has been deleted or overwritten by a new version of the file and applying that transformation operator to the new

version of the file in order to recover (or backup) the original version as described and claimed in the present application.

The Microsoft System Restore feature establishes automatically a number of restore points. A particular restore point saves a copy of the registry, drivers, and crucial operating system files available during a particular point in time. Although not mentioned in the article, these files are believed to be saved as compressed .cab files in a folder named _RESTORE/ARCHIVE. The System Restore feature allows a user to go to a particular restore point and recover the system to that point in time by reestablishing the drivers, registry and system files that were available at that restore point (a particular point in time). The files are restored by reverting back to the saved compressed files and not using a transformation operator as taught and claimed by the Applicant. The System Restore feature needs a lot of memory to function (as mentioned in the article at least 200 Mb) since it needs to save versions of files at different restore points. The article completely fails to teach or suggest using a transformation operator which is indicative of differences between an original version of a file that has been overwritten and a current file and applying that transformation operator to the new version of the file in order to recover the original version of the file which may have been deleted or overwritten by the newer version of the file. The restore points in the cited reference just act as pointers to saved files and do not use a transformation operator as claimed in order to recover or act as backups to older file versions. The goal of the present invention is to provide a space efficient backup technique, something the cited Harder article clearly fails to teach or suggest. Given that the article fails to teach or suggest such a transformation operator and the way it is applied to provide file recovery/backup, claims 10-16 are believed to be in condition for allowance.

Independent claim 17 has been amended in order to further clarify the claim. As amended, claims 17-24 are believed to be in condition to overcome the noted rejections in view of the comments made above regarding the cited Harder reference. Independent claim 25 has also been amended to further clarify the claim. As amended, claims 25-29 are also believed to be in condition to

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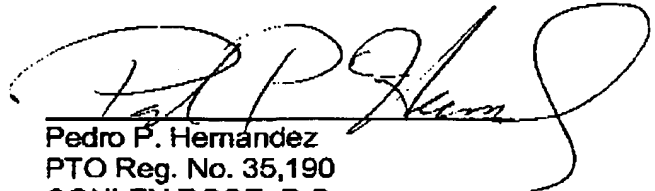**Reply to Office action of May 7, 2004**

overcome the noted rejection in view of the comments made above regarding the cited Harder reference's failure to teach or suggest transformation operators that are used to recover prior versions of the files.

Applicant respectfully requests reconsideration and allowance of the pending claims 1-29. If the Examiner feels that a telephone conference would expedite the resolution of this case, he is respectfully requested to contact the undersigned.

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Hewlett-Packard Company Deposit Account Number 08-2025 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,

Pedro P. Hernández
PTO Reg. No. 35,190
CONLEY ROSE, P.C.
(972) 731-2288 (Phone)
(972) 731-2289 (Fax)
ATTORNEY FOR APPLICANT

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400